

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Michael J. Burkhardt, <i>et al.</i>	§	Group Art Unit: 2174
	§	
Serial No.: 10/755,837	§	Examiner: Kumar, Anil N.
	§	
Filed: 01/12/2004	§	Atty Docket No.: AUS920030965US1
	§	
Title: Displaying Help Resources	§	Customer No.: 34533
Associated with Prioritized Help	§	
Messages	§	Confirmation No.: 9839

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

Honorable Commissioner:

This is an Appeal Brief filed pursuant to 37 CFR § 41.37 in response to the Final Office Action of May 30, 2007 (hereinafter the “Office Action”), and pursuant to the Notice of Appeal filed August 30, 2007.

REAL PARTY IN INTEREST

The real party in interest in accordance with 37 CFR § 41.37(c)(1)(i) is the patent assignee, International Business Machines Corporation (“IBM”), a New York corporation having a place of business at Armonk, New York 10504.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences within the meaning of 37 CFR § 41.37(c)(1)(ii).

STATUS OF CLAIMS

Status of claims in accordance with 37 CFR § 41.37(c)(1)(iii): Thirty-six (36) claims are filed in the original application in this case. Claims 1-36 are rejected in the Office Action. Claims 1-36 are on appeal.

STATUS OF AMENDMENTS

Status of amendments in accordance with 37 CFR § 41.37(c)(1)(iv): No amendments were submitted after final rejection. The claims as currently presented are included in the Appendix of Claims that accompanies this Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide the following concise summary of the claimed subject matter according to 37 CFR § 41.37(c)(1)(v). This summary includes a concise explanation of the subject matter defined in each of the independent claims involved in the appeal and includes references to the specification by page and line number and to the drawings by elements. The six independent claims involved in this appeal are claims 1, 7, 13, 19, 25, and 31. Claim 1 is a method claim. Claims 13 and 25 recite counterpart aspects of the method of claim 1. Claim 13 recites system aspects of the method of claim 1. Claim 25 recites computer program product aspects of the method of claim 1. Similarly, claim 7 is a method claim. Claims 19 and 31 recite counterpart aspects of the method of claim 7. Claim 19 recites system aspects of the method of claim 7. Claim 31 recites computer program product aspects of the method of claim 7.

Claim 1 recites a method for displaying a help resource associated with a device on a remote display apparatus. The method of claim 1 includes receiving, in a display apparatus, a plurality of help messages created in a plurality of devices (described for example at page 33, lines 13-19, and Figure 10 at element 956). The method of claim 1 includes prioritizing one of the plurality of help messages (described for example at page 33, line 21, through page 35, line 4, and Figure 10 at element 958). The method of claim

1 includes retrieving, in dependence upon the prioritized help message, a help resource (described for example at page 35, lines 16-23, and Figure 10 at element 966). The method of claim 1 includes displaying, with the display apparatus, the help resource (described for example at page 35, lines 16-23, and Figure 10 at element 966).

Claim 13 recites a system for displaying a help resource associated with a device on a remote display apparatus. The system of claim 13 includes means for receiving, in a display apparatus, a plurality of help messages created in a plurality of devices (described for example at page 33, lines 13-19, and Figure 10 at element 956). The system of claim 13 includes means for prioritizing one of the plurality of help messages (described for example at page 33, line 21, through page 35, line 4, and Figure 10 at element 958). The system of claim 13 includes means for retrieving, in dependence upon the prioritized help message, a help resource (described for example at page 35, lines 16-23, and Figure 10 at element 966). The system of claim 13 includes means for displaying, with the display apparatus, the help resource (described for example at page 35, lines 16-23, and Figure 10 at element 966). The means for carrying out the acts included in the system of claim 13 include a computer system (described for example at page 7, lines 5-15).

Claim 25 recites a computer program product for displaying a help resource associated with a device on a remote display apparatus. The computer program product of claim 25 includes a recording medium (described for example at page 7, lines 17-27). The computer program product of claim 25 includes means, recorded on the recording medium, for receiving, in a display apparatus, a plurality of help messages created in a plurality of devices (described for example at page 33, lines 13-19, and Figure 10 at element 956). The computer program product of claim 25 includes means, recorded on the recording medium, for prioritizing one of the plurality of help messages (described for example at page 33, line 21, through page 35, line 4, and Figure 10 at element 958). The computer program product of claim 25 includes means, recorded on the recording medium, for retrieving, in dependence upon the prioritized help message, a help resource (described for example at page 35, lines 16-23, and Figure 10 at element 966). The computer program product of claim 25 includes means, recorded on the recording medium, for displaying, with the display apparatus, the help resource (described for

example at page 35, lines 16-23, and Figure 10 at element 966). The means for carrying out the acts included in the computer program product of claim 25 include computer program instructions embedded in the recording medium of the computer program product (described for example at page 7, line 17-27).

Claim 7 recites a method for displaying a help resource associated with a device on a display apparatus. The method claim 7 includes receiving, in a services gateway, a plurality of help messages created in a plurality of devices (described for example at page 38, lines 1-5, and Figure 11 at element 986). The method claim 7 includes prioritizing one of the plurality of help messages (described for example at page 38, line 7, through page 39, line 8, and Figure 11 at element 987). The method claim 7 includes retrieving, in dependence upon the prioritized help message, a help resource (described for example at page 39, lines 11-14, and Figure 11 at element 990). The method claim 7 includes sending the help resource to a display apparatus for display (described for example at page 40, lines 7-13, and Figure 11 at element 994).

Claim 19 recites a system for displaying a help resource associated with a device on a display apparatus. The system of claim 19 includes means for receiving, in a services gateway, a plurality of help messages created in a plurality of devices (described for example at page 38, lines 1-5, and Figure 11 at element 986). The system of claim 19 includes means for prioritizing one of the plurality of help messages (described for example at page 38, line 7, through page 39, line 8, and Figure 11 at element 987). The system of claim 19 includes means for retrieving, in dependence upon the prioritized help message, a help resource (described for example at page 39, lines 11-14, and Figure 11 at element 990). The system of claim 19 includes means for sending the help resource to a display apparatus for display (described for example at page 40, lines 7-13, and Figure 11 at element 994). The means for carrying out the acts included in the system of claim 19 include a computer system (described for example at page 7, lines 5-15).

Claim 31 recites a computer program product for displaying a help resource associated with a device on a display apparatus. The computer program product of claim 31 includes a recording medium (described for example at page 7, lines 17-27). The

computer program product of claim 31 includes means, recorded on the recording medium, for receiving, in a services gateway, a plurality of help messages created in a plurality of devices (described for example at page 38, lines 1-5, and Figure 11 at element 986). The computer program product of claim 31 includes means, recorded on the recording medium, for prioritizing one of the plurality of help messages (described for example at page 38, line 7, through page 39, line 8, and Figure 11 at element 987). The computer program product of claim 31 includes means, recorded on the recording medium, for retrieving, in dependence upon the prioritized help message, a help resource (described for example at page 39, lines 11-14, and Figure 11 at element 990). The computer program product of claim 31 includes means, recorded on the recording medium, for sending the help resource to a display apparatus for display (described for example at page 40, lines 7-13, and Figure 11 at element 994). The means for carrying out the acts included in the computer program product of claim 31 include computer program instructions embedded in the recording medium of the computer program product (described for example at page 7, line 17-27).

GROUND OF REJECTION

In accordance with 37 CFR § 41.37(c)(1)(vi), Appellants provide the following concise statement for each ground of rejection:

1. Claims 1-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lortz (US 6,434,548 B1).

ARGUMENT

Appellants present the following argument pursuant to 37 CFR § 41.37(c)(1)(vii) regarding the ground of rejection on appeal in the present case.

**Argument Regarding The First Ground Of Rejection On
Appeal: Claims 1-36 Are Rejected Under 35 U.S.C. § 102(b)
As Being Unpatentable Over Lortz**

Claims 1-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lortz (US 6,434,548 B1). To anticipate claims 1-36 under 35 U.S.C. § 102(b), two basic requirements must be met. The first requirement of anticipation is that Lortz must disclose each and every element as set forth in Appellants' claims. The second requirement of anticipation is that Lortz must enable Appellants' claims. Lortz does not meet either requirement and therefore does not anticipate Appellants' claims.

**Lortz Does Not Disclose Each and Every Element
Of Independent Claim 1 Of The Present Application**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Lortz does not disclose each and every element of claim 1, and Lortz therefore cannot be said to anticipate the claims of the present application within the meaning of 35 U.S.C. § 102(b).

Independent claim 1 of the present application claims:

1. A computer implemented method for displaying a help resource associated with a device on a remote display apparatus, the method comprising:

receiving, in a display apparatus, a plurality of help messages created in a plurality of devices;

prioritizing one of the plurality of help messages;

retrieving, in dependence upon the prioritized help message, a help resource; and

displaying, with the display apparatus, the help resource.

**Lortz Does Not Disclose Receiving, In A Display Apparatus,
A Plurality Of Help Messages Created In A Plurality Of Devices**

The first element of claim 1 in the present application claims “receiving, in a display apparatus, a plurality of help messages created in a plurality of devices” The Office Action takes the position that Lortz at column 1, line 58-63, and column 5, lines 32-43, discloses the first element of claim 1. Appellants respectfully note in response, however, that what Lortz at column 1, lines 58-63, in fact discloses is:

A system and method for providing device-specific help information for a network-attachable device. A connection notification is received for the network-attachable device over a first data path. Device-specific help information is retrieved for the network-attachable device over a second data path. And, device-specific help information is provided to a configuration interface.

Appellants respectfully note that what Lortz at column 5, lines 32-43, in fact discloses is:

After retrieval 174, a test 176 is performed to determine whether installation of the device is interactive. If not, auto-configuration 178 is performed. Non-interactive configuration can either mean that the device cannot be configured by a remote device, or that configuration can proceed without further user intervention. If the device cannot be remotely configured, then block 178 corresponds to simply displaying retrieved 174 install data to a user interface, e.g., to a web browser displayed by the configuring device 102. If the device can be remotely configured, then block 178 corresponds to the automatically performed configuration steps.

That is, Lortz at column 1, lines 58-63, discloses providing device-specific help information for a network-attachable device. Lortz at column 5, lines 32-43, discloses determining whether installation of the device is interactive. Lortz’ providing device-specific help information for a network-attachable device and Lortz’ determining whether installation of the device is interactive, however, do not disclose receiving in a display apparatus, a plurality of help messages created in a plurality of devices as claimed in the present application. Lortz’ device specific help information does not disclose a plurality of help messages created in a *plurality* of devices because Lortz’ device specific help information is received from only a *single* device upon the device’s attachment to a network. More specifically, receiving device specific help information from a single

device does not disclose receiving a help message from a plurality of devices. Furthermore, the cited portion of Lortz does not disclose receiving anything in a display apparatus. In fact, Lortz at column 1, lines 58-63, never even mentions a ‘display apparatus.’ Still further, Lortz’ providing device-specific help information for a network-attachable device does not disclose receiving in a display apparatus, a plurality of help messages created in a plurality of devices as claimed in the present application because the cited portion of Lortz never once discloses that Lortz’ device-specific help information is created in Lortz’ network-attachable device. Because Lortz does not disclose each and every element and limitation of Appellants’ claims, Lortz does not anticipate Appellants’ claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Prioritizing One
Of The Plurality Of Help Messages**

The second element of claim 1 in the present application claims “prioritizing one of the plurality of help messages” The Office Action takes the position that Lortz at column 5, lines 28-30, discloses the second element of claim 1. Appellants respectfully note in response, however, that what Lortz at column 5, lines 28-30, in fact discloses is:

And customization information generally includes setting user preferences; for the VCR, this can include color adjustment, sound, modes, preferred channels, and the like.

That is, Lortz at column 5, lines 28-30, discloses setting user preferences such as color adjustment, sound, modes, preferred channels, and so on. Lortz’ setting user preferences, however, does not disclose prioritizing one of the plurality of help messages as claimed in the current application. In fact, the cited portion of Lortz never even mentions a help message and does not disclose prioritizing anything. Without more, Lortz at column 5, lines 28-30, cannot disclose prioritizing one of the plurality of help messages as claimed in the current application. Because Lortz does not disclose each and every element and limitation of Appellants’ claims, Lortz does not anticipate Appellants’ claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Retrieving, In Dependence
Upon The Prioritized Help Message, A Help Resource**

The third element of claim 1 in the present application claims “retrieving, in dependence upon the prioritized help message, a help resource” The Office Action takes the position that Lortz at column 5, lines 19-21, discloses the third element of claim 1. Appellants respectfully note in response, however, that what Lortz at column 5, lines 19-21, in fact discloses is:

In response a configuring device 102 (FIG.1) retrieves 174 installation, configuration and customization data for the device. (FIG. 4 details block 174 operation.)

That is, Lortz at column 5, lines 19-21, discloses retrieving installation, configuration, and customization data for a device in response to the device being attached to a network. Lortz’ retrieving installation, configuration, and customization data for a device, however, does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application because Lortz’ installation, configuration, and customization data is not a help resource as claimed in the present application. Furthermore, Lortz’ retrieving installation, configuration, and customization data for a device does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application because Lortz’s installation, configuration, and customization data is not retrieved in dependence upon any prioritized help message. In contrast, Lortz’s installation, configuration, and customization data is retrieved in response to a connection notification. *See* Lortz at column 5, lines 16-19. As such, Lortz at column 5, lines 19-21, does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application. Because Lortz does not disclose each and every element and limitation of Appellants’ claims, Lortz does not anticipate Appellants’ claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Displaying,
With The Display Apparatus, The Help Resource**

The fourth element of claim 1 in the present application claims “displaying, with the display apparatus, the help resource.” The Office Action takes the position that Lortz at column 2, lines 32-43, and column 5, lines 38-39, discloses the fourth element of claim 1. Appellants respectfully note in response, however, that what Lortz at column 2, lines 32-43, in fact discloses is:

A recent trend, in the SOHO and home markets, is a focus on telephone and electrical wiring as the network backbone. The ubiquitous nature of such wiring aids their popularity.

Devices 100, 102, 104 can be any combination of traditional and non-traditional networking devices. Traditional devices include computing devices, such as computers, as well as programmed (or re-programmable) digital processors, network printers, and the like. Traditional devices include those networking devices usually found installed within an Ethernet, AppleTalk, Token Ring or other networking topology.

Appellants respectfully note in response, however, that what Lortz at column 5, lines 38-39, in fact discloses is:

If the device cannot be remotely configured, then block 178 corresponds to simply displaying retrieved 174 install data to a user interface, e.g. to a web browser displayed by the configuring device 102.

That is, Lortz at column 2, lines 32-43, discloses that, in the SOHO and home markets, telephone and electrical wiring is used to connect any combination of traditional and non-traditional networking devices. Lortz at column 5, lines 38-39, discloses displaying install data to a user interface. Lortz’s disclosure that telephone and electrical wiring is used to connect any combination of traditional and non-traditional networking devices and Lortz’s displaying install data to a user interface, however, does not disclose displaying, with the display apparatus, the help resource as claimed in the current application because Lortz’s install data is not a help resource as claimed in the present application. Because Lortz does not disclose each and every element and limitation of

Appellants' claims, Lortz does not anticipate Appellants' claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Each and Every Element
Of Independent Claim 7 Of The Present Application**

Turning now to independent claim 7, Lortz also does not disclose each and every element of claim 7, and Lortz therefore cannot be said to anticipate the claims of the present application within the meaning of 35 U.S.C. § 102(b). Independent claim 7 of the present application claims:

7. A computer implemented method for displaying a help resource associated with a device on a remote display apparatus, the method comprising:

receiving, in a services gateway, a plurality of help messages created in a plurality of devices;

prioritizing one of the plurality of help messages;

retrieving, in dependence upon the prioritized help message, a help resource; and

sending the help resource to a display apparatus for display.

**Lortz Does Not Disclose Receiving, In A Services Gateway,
A Plurality Of Help Messages Created In A Plurality Of Devices**

The first element of claim 7 claims "receiving, in a services gateway, a plurality of help messages created in a plurality of devices" The Office Action takes the position that Lortz at column 1, lines 58-63, and column 2, lines 37-43, discloses the first element of claim 7. Appellants respectfully note in response, however, that what Lortz at column 1, lines 58-63, in fact discloses is:

A system and method for providing device-specific help information for a network-attachable device. A connection notification is received for the network-attachable device over a first data path. Device-specific help information is retrieved for the network-attachable device over a second data path. And, device-specific help information is provided to a configuration interface.

Appellants respectfully note that what Lortz at column 2, lines 37-43, in fact discloses is:

Devices 100, 102, 104 can be any combination of traditional and non-traditional networking devices. Traditional devices include computing devices, such as computers, as well as programmed (or re-programmable) digital processors, network printers, and the like. Traditional devices include those networking devices usually found installed within an Ethernet, AppleTalk, Token Ring or other networking topology.

That is, Lortz at column 1, lines 58-63, discloses providing device-specific help information for a network-attachable device. Lortz at column 2, lines 37-43, discloses that the devices 100, 102, 104 of Lortz' Figure 1 can be any combination of traditional and non-traditional networking devices. Lortz' providing device-specific help information for a network-attachable device and Lortz' disclosure that Lortz' devices may be any combination of traditional and non-traditional networking devices, however, do not disclose receiving, in a services gateway, a plurality of help messages created in a plurality of devices as claimed in the present application. Lortz' device specific help information does not disclose a plurality of help messages created in a *plurality* of devices because Lortz' device specific help information is received from only a *single* device upon the device's attachment to a network. That is, receiving device specific help information from a single device does not disclose receiving a help message from a plurality of devices. Furthermore, the cited portion of Lortz does not disclose receiving anything in a services gateway. In fact, Lortz never even one mentions the term 'services gateway.' Still further, Lortz' providing device-specific help information for a network-attachable device does not disclose receiving, in a services gateway, a plurality of help messages created in a plurality of devices as claimed in the present application because the cited portion of Lortz never once discloses that Lortz' device-specific help information is created in Lortz' network-attachable device. Because Lortz does not

disclose each and every element and limitation of Appellants' claims, Lortz does not anticipate Appellants' claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Prioritizing One
Of The Plurality Of Help Messages**

The second element of claim 7 claims "prioritizing one of the plurality of help messages" The Office Action takes the position that Lortz at column 5, lines 28-30, discloses the second element of claim 7. Appellants respectfully note in response, however, that what Lortz at column 5, lines 28-30, in fact discloses is:

And customization information generally includes setting user preferences; for the VCR, this can include color adjustment, sound, modes, preferred channels, and the like.

That is, Lortz at column 5, lines 28-30, discloses setting user preferences such as color adjustment, sound, modes, preferred channels, and so on. Lortz' setting user preferences, however, does not disclose prioritizing one of the plurality of help messages as claimed in the current application. In fact, the cited portion of Lortz never even mentions a help message and does not disclose prioritizing anything. Without more, Lortz at column 5, lines 28-30, cannot disclose prioritizing one of the plurality of help messages as claimed in the current application. Because Lortz does not disclose each and every element and limitation of Appellants' claims, Lortz does not anticipate Appellants' claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Retrieving, In Dependence
Upon The Prioritized Help Message, A Help Resource**

The third element of claim 7 claims "retrieving, in dependence upon the prioritized help message, a help resource" The Office Action takes the position that Lortz at column 5, lines 19-21, discloses the third element of claim 7. Appellants respectfully note in response, however, that what Lortz at column 5, lines 19-21, in fact discloses is:

In response a configuring device 102 (FIG.1) retrieves 174 installation, configuration and customization data for the device. (FIG. 4 details block 174 operation.)

That is, Lortz at column 5, lines 19-21, discloses retrieving installation, configuration, and customization data for a device in response to the device being attached to a network. Lortz' retrieving installation, configuration, and customization data for a device, however, does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application because Lortz' installation, configuration, and customization data is not a help resource as claimed in the present application. Furthermore, Lortz' retrieving installation, configuration, and customization data for a device does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application because Lortz' installation, configuration, and customization data is not retrieved in dependence upon any prioritized help message. In contrast, Lortz' installation, configuration, and customization data is retrieved in response to a connection notification. *See* Lortz at column 5, lines 16-19. As such, Lortz at column 5, lines 19-21, does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application. Because Lortz does not disclose each and every element and limitation of Appellants' claims, Lortz does not anticipate Appellants' claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Sending the Help
Resource to a Display Apparatus for Display**

The fourth element of claim 7 claims "sending the help resource to a display apparatus for display." The Office Action takes the position that Lortz at column 2, lines 32-43, and column 5, lines 38-39, discloses the fourth element of claim 1. Appellants respectfully note in response, however, that what Lortz at column 2, lines 32-43, in fact discloses is:

A recent trend, in the SOHO and home markets, is a focus on telephone and electrical wiring as the network backbone. The ubiquitous nature of such wiring aids their popularity.

Devices 100, 102, 104 can be any combination of traditional and non-traditional networking devices. Traditional devices include computing devices, such as computers, as well as programmed (or re-programmable) digital processors, network printers, and the like. Traditional devices include those networking devices usually found installed within an Ethernet, AppleTalk, Token Ring or other networking topology.

Appellants respectfully note in response, however, that what Lortz at column 5, lines 38-39, in fact discloses is:

If the device cannot be remotely configured, then block 178 corresponds to simply displaying retrieved 174 install data to a user interface, e.g. to a web browser displayed by the configuring device 102.

That is, Lortz at column 2, lines 32-43, discloses that, in the SOHO and home markets, telephone and electrical wiring is used to connect any combination of traditional and non-traditional networking devices. Lortz at column 5, lines 38-39, discloses displaying install data to a user interface. Lortz's disclosure that telephone and electrical wiring is used to connect any combination of traditional and non-traditional networking devices and Lortz's displaying install data to a user interface, however, does not disclose sending the help resource to a display apparatus for display as claimed in the current application because Lortz's install data is not a help resource as claimed in the present application. Because Lortz does not disclose each and every element and limitation of Appellants' claims, Lortz does not anticipate Appellants' claims, and the rejections should be withdrawn.

**Lortz Does Not Enable Each and Every Element
Of The Claims Of The Present Application**

Not only must Lortz disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Appellants' claims, but also Lortz must be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the Appellant's chemical compound. The court in *Hoeksema* stated: "We think it is sound law,

consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention.” *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Lortz places Appellants’ claims in the possession of a person of ordinary skill in the art, Lortz is legally insufficient to anticipate Appellants’ claims under 35 U.S.C. § 102. As explained above, Lortz does not disclose each and every element and limitation of independent claims 1 and 7 of the present application. Because Lortz does not disclose each and every element and limitation of the independent claims, Lortz cannot possibly place the elements and limitations of the independent claims in the possession of a person of ordinary skill in the art. Lortz cannot, therefore, anticipate claims 1 and 7 of the present application.

Relations Among Claims

Independent claims 13 and 25 are system and computer program product claims for displaying a help resource associated with a device on a remote display apparatus that include “means for” and “means, recorded on [a] recording medium, for” limitations in a manner that corresponds to independent method claim 1. For the same reason that Lortz does not disclose or enable independent method claim 1, Lortz also does not disclose or enable independent system claim 13 and independent computer program product claim 25. Independent claims 13 and 25 are therefore patentable and should be allowed.

Independent claims 19 and 31 are system and computer program product claims for displaying a help resource associated with a device on a remote display apparatus that include “means for” and “means, recorded on [a] recording medium, for” limitations in a manner that corresponds to independent method claim 7. For the same reason that Lortz does not disclose or enable independent method claim 7, Lortz also does not disclose or enable independent system claim 19 and independent computer program product claim 31. Independent claims 19 and 31 are therefore patentable and should be allowed.

Claims 2-6, 8-12, 14-18, 20-24, 26-30, and 32-36 depend respectively from independent claims 1, 7, 13, 19, 25, and 31. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Lortz does not disclose or enable each and every element of the independent claims, Lortz does not disclose or enable each and every element of the dependent claims of the present application. As such, claims 2-6, 8-12, 14-18, 20-24, 26-30, and 32-36 are also patentable and should be allowed.

Conclusion

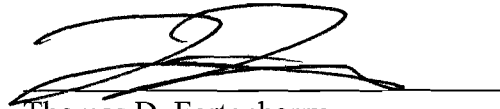
Claims 1-36 stand rejected under 35 U.S.C. § 102 as being anticipated by Lortz. As explained in detail above, Lortz does not disclose each and every element of Appellants’ claims and does not enable Appellants’ claims. As such, Lortz does not anticipate Appellants’ claims. Claims 1-36 are therefore patentable and should be allowed. Appellants respectfully traverse each rejection individually and request reconsideration of claims 1-36.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447
for any fees required or overpaid

Respectfully submitted,

Date: October 19, 2007

By:



Thomas D. Fortenberry
Reg. No. 56,537
Biggers & Ohanian, LLP
P.O. Box 1469
Austin, Texas 78767-1469
Tel. (512) 472-9881
Fax (512) 472-9887
ATTORNEY FOR APPELLANTS

APPENDIX OF CLAIMS

1. A computer implemented method for displaying a help resource associated with a device on a remote display apparatus, the method comprising:

receiving, in a display apparatus, a plurality of help messages created in a plurality of devices;

prioritizing one of the plurality of help messages;

retrieving, in dependence upon the prioritized help message, a help resource; and

displaying, with the display apparatus, the help resource.
2. The method of claim 1 wherein prioritizing one of the plurality of help messages comprises selecting a help message in dependence upon a position of the help message in a queue.
3. The method of claim 1 wherein prioritizing one of the plurality of help messages comprises selecting a help message in dependence upon a device ID included in the help message.
4. The method of claim 1 wherein prioritizing one of the plurality of help messages comprises selecting a help message in dependence upon a importance rating included in the help message.

5. The method of claim 1 further comprising notifying at least one of the plurality of devices that the display apparatus is busy.
6. The method of claim 5 wherein notifying at least one of the plurality of devices that the display apparatus is busy comprises:

creating, in the display apparatus a busy message; and

transmitting the busy message to at least one of the plurality of devices.
7. A computer implemented method for displaying a help resource associated with a device on a display apparatus, the method comprising:

receiving, in a services gateway, a plurality of help messages created in a plurality of devices;

prioritizing one of the plurality of help messages;

retrieving, in dependence upon the prioritized help message, a help resource; and

sending the help resource to a display apparatus for display.
8. The method of claim 7 wherein prioritizing one of the plurality of help messages comprises selecting a help message in dependence upon a position of the help message in a queue.

9. The method of claim 7 wherein prioritizing one of the plurality of help messages comprises selecting a help message in dependence upon a device ID included in the help message.
10. The method of claim 7 wherein prioritizing one of the plurality of help messages comprises selecting a help message in dependence upon a importance rating included in the help message.
11. The method of claim 7 further comprising notifying at least one of the plurality of devices that the display apparatus is busy.
12. The method of claim 11 wherein notifying at least one of the plurality of devices that the display apparatus is busy comprises:

creating, in the services gateway, a busy message; and

transmitting the busy message to at least one of the plurality of devices.
13. A system for displaying a help resource associated with a device on a remote display apparatus, the system comprising:

means for receiving, in a display apparatus, a plurality of help messages created in a plurality of devices;

means for prioritizing one of the plurality of help messages;

means for retrieving, in dependence upon the prioritized help message, a help resource; and

means for displaying, with the display apparatus, the help resource.

14. The system of claim 13 wherein means for prioritizing one of the plurality of help messages comprises means for selecting a help message in dependence upon a position of the help message in a queue.
15. The system of claim 13 wherein means for prioritizing one of the plurality of help messages comprises means for selecting a help message in dependence upon a device ID included in the help message.
16. The system of claim 13 wherein means for prioritizing one of the plurality of help messages comprises means for selecting a help message in dependence upon a importance rating included in the help message.
17. The system of claim 13 further comprising means for notifying at least one of the plurality of devices that the display apparatus is busy.
18. The system of claim 17 wherein means for notifying at least one of the plurality of devices that the display apparatus is busy comprises:

means for creating, in the display apparatus a busy message; and

means for transmitting the busy message to at least one of the plurality of devices.

19. A computer implemented system for displaying a help resource associated with a device on a display apparatus, the system comprising:
- means for receiving, in a services gateway, a plurality of help messages created in a plurality of devices;
- means for prioritizing one of the plurality of help messages;
- means for retrieving, in dependence upon the prioritized help message, a help resource; and
- means for sending the help resource to a display apparatus for display.
20. The system of claim 19 wherein means for prioritizing one of the plurality of help messages comprises means for selecting a help message in dependence upon a position of the help message in a queue.
21. The system of claim 19 wherein means for prioritizing one of the plurality of help messages comprises means for selecting a help message in dependence upon a device ID included in the help message.
22. The system of claim 19 wherein means for prioritizing one of the plurality of help messages comprises means for selecting a help message in dependence upon a importance rating included in the help message.
23. The system of claim 19 further comprising means for notifying at least one of the plurality of devices that the display apparatus is busy.

24. The system of claim 23 wherein means for notifying at least one of the plurality of devices that the display apparatus is busy comprises:
- means for creating, in the services gateway, a busy message; and
- means for transmitting the busy message to at least one of the plurality of devices.
25. A computer program product for displaying a help resource associated with a device on a remote display apparatus, the computer program product comprising:
- a recording medium;
- means, recorded on the recording medium, for receiving, in a display apparatus, a plurality of help messages created in a plurality of devices;
- means, recorded on the recording medium, for prioritizing one of the plurality of help messages;
- means, recorded on the recording medium, for retrieving, in dependence upon the prioritized help message, a help resource; and
- means, recorded on the recording medium, for displaying, with the display apparatus, the help resource.
26. The computer program product of claim 25 wherein means, recorded on the recording medium, for prioritizing one of the plurality of help messages comprises means, recorded on the recording medium, for selecting a help message in dependence upon a position of the help message in a queue.

27. The computer program product of claim 25 wherein means, recorded on the recording medium, for prioritizing one of the plurality of help messages comprises means, recorded on the recording medium, for selecting a help message in dependence upon a device ID included in the help message.
28. The computer program product of claim 25 wherein means, recorded on the recording medium, for prioritizing one of the plurality of help messages comprises means, recorded on the recording medium, for selecting a help message in dependence upon a importance rating included in the help message.
29. The computer program product of claim 25 further comprising means, recorded on the recording medium, for notifying at least one of the plurality of devices that the display apparatus is busy.
30. The computer program product of claim 29 wherein means, recorded on the recording medium, for notifying at least one of the plurality of devices that the display apparatus is busy comprises:
- means, recorded on the recording medium, for creating, in the display apparatus a busy message; and
- means, recorded on the recording medium, for transmitting the busy message to at least one of the plurality of devices.
31. A computer implemented computer program product for displaying a help resource associated with a device on a display apparatus, the computer program product comprising:

a recording medium;

means, recorded on the recording medium, for receiving, in a services gateway, a plurality of help messages created in a plurality of devices;

means, recorded on the recording medium, for prioritizing one of the plurality of help messages;

means, recorded on the recording medium, for retrieving, in dependence upon the prioritized help message, a help resource; and

means, recorded on the recording medium, for sending the help resource to a display apparatus for display.

32. The computer program product of claim 31 wherein means, recorded on the recording medium, for prioritizing one of the plurality of help messages comprises means, recorded on the recording medium, for selecting a help message in dependence upon a position of the help message in a queue.
33. The computer program product of claim 31 wherein means, recorded on the recording medium, for prioritizing one of the plurality of help messages comprises means, recorded on the recording medium, for selecting a help message in dependence upon a device ID included in the help message.
34. The computer program product of claim 31 wherein means, recorded on the recording medium, for prioritizing one of the plurality of help messages comprises means, recorded on the recording medium, for selecting a help message in dependence upon a importance rating included in the help message.

35. The computer program product of claim 31 further comprising means, recorded on the recording medium, for notifying at least one of the plurality of devices that the display apparatus is busy.

36. The computer program product of claim 35 wherein means, recorded on the recording medium, for notifying at least one of the plurality of devices that the display apparatus is busy comprises:

means, recorded on the recording medium, for creating, in the services gateway, a busy message; and

means, recorded on the recording medium, for transmitting the busy message to at least one of the plurality of devices.

APPENDIX OF EVIDENCE

This is an evidence appendix in accordance with 37 CFR § 41.37(c)(1)(ix).

There is in this case no evidence submitted pursuant to 37 CFR §§ 1.130, 1.131, or 1.132, nor is there in this case any other evidence entered by the examiner and relied upon by the Appellants.

RELATED PROCEEDINGS APPENDIX

This is a related proceedings appendix in accordance with 37 CFR § 41.37(c)(1)(x).

There are no decisions rendered by a court or the Board in any proceeding identified pursuant to 37 CFR § 41.37(c)(1)(ii).